

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

CELGENE CORPORATION,	:	
	:	
Plaintiff,	:	Civ. Action No. 17-3387 (ES)(MAH)
	:	
-v-	:	<u>CONSOLIDATED WITH:</u>
	:	17-3159 (ES)(MAH)
HETERO LABS LIMITED; HETERO	:	18-13715 (ES)(MAH)
LABS LIMITED UNIT-V; HETERO	:	19-143 (ES)(MAH)
DRUGS LIMITED; HETERO USA, INC.;	:	18-16035 (ES)(MAH)
AUROBINDO PHARMA LIMITED;	:	18-14111 (ES)(MAH)
AUROBINDO PHARMA USA, INC.;	:	18-14366 (ES)(MAH)
AUROLIFE PHARMA LLC; EUGIA	:	18-16395 (ES)(MAH)
PHARMA SPECIALTIES LIMITED;	:	
APOTEX INC.; APOTEX CORP.;	:	
MYLAN PHARMACEUTICALS, INC.;	:	SPECIAL DISCOVERY MASTER
MYLAN INC.; MYLAN, N.V.;	:	
BRECKENRIDGE PHARMACEUTICAL,	:	ORDER NO. 8
INC.; TEVA PHARMACEUTICALS	:	
USA, INC.,	:	
Defendants.	:	

This Order rules on the dispute between Celgene and Auobindo regarding Celgene's requests for the depositions of Auobindo witnesses Bharath Kumar Konda, Baji Shaik, and Sangram Sahoo. The Special Discovery Master has considered the parties' arguments and submissions and rules as follows:

The depositions of Bharath Kumar Konda and Baji Shaik shall proceed in Kingston, Jamaica on February 16 and 17, 2020. The Special Discovery Master acknowledges the logistical challenges cited by Auobindo regarding holding these depositions in this location, but given the circumstances of this litigation, nevertheless considers this the most efficient course of action suggested by the parties. As the Special Discovery Master previously held, holding these depositions in Dubai or Hong Kong is not workable under the strict deadlines of this case and the

tight deposition schedules necessary to comply with these deadlines – it would take too much time for Celgene’s counsel (and other counsel who wish to participate) to travel to, conduct depositions in, and return from these locations in an already compressed and demanding deposition schedule. Video depositions are also not a realistic solution in this situation, given that the deponents are not native-English-speakers and given the potential need for interpreters.

Aurobindo shall make its best efforts to make witnesses Konda and Shaik available on these dates in Kingston, Jamaica. If Aurobindo requires assistance from Celgene to do so, including obtaining work permits/work permit exemptions, etc., Celgene shall use its best efforts to assist Aurobindo to comply with this Order. Each party will pay for its own travel expenses, lodging, and other costs associated with these depositions. The expenses of the witnesses’ travel will be borne by Aurobindo.

Regarding witness Sahoo, the Special Discovery Master orders that the parties submit full briefing on Celgene’s request for sanctions. Celgene shall submit its brief, not to exceed 15 pages double-spaced, within two weeks of the date of this Order. Aurobindo shall submit a responsive brief, not to exceed 15 pages double-spaced, within two weeks of receiving Celgene’s brief. The briefs shall address the full panoply of Third Circuit law on any sanctions sought that limit or exclude evidence.

SO ORDERED

Dated: February 2, 2020

/s/ Faith S. Hochberg

Hon. Faith S. Hochberg, U.S.D.J. (ret.)